



Federal Register

3-24-09

Vol. 74 No. 55

Tuesday

Mar. 24, 2009

Pages 12225-12530



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Tuesday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see www.federalregister.gov.

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** www.gpoaccess.gov/nara, available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via e-mail at gpoaccess@gpo.gov. The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the **Federal Register** paper edition is \$749 plus postage, or \$808, plus postage, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Printing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see bookstore.gpo.gov.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 74 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche 202-512-1800
Assistance with public subscriptions 202-512-1806

General online information 202-512-1530; 1-888-293-6498

Single copies/back copies:

Paper or fiche 202-512-1800
Assistance with public single copies 1-866-512-1800
(Toll-Free)

FEDERAL AGENCIES

Subscriptions:

Paper or fiche 202-741-6005
Assistance with Federal agency subscriptions 202-741-6005

FEDERAL REGISTER WORKSHOP

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, April 14, 2009
9:00 a.m.–12:30 p.m.

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741-6008



Contents

Federal Register

Vol. 74, No. 55

Tuesday, March 24, 2009

Actuaries, Joint Board for Enrollment

See Joint Board for Enrollment of Actuaries

Agriculture Department

See Forest Service

Children and Families Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 12364

Coast Guard

PROPOSED RULES

Safety Zone:

Hampton Roads Air Show, Back River, Hampton, VA, 12289–12292

Safety Zones:

Fireworks Displays in the Captain of the Port Portland Zone, 12292–12295

Special Local Regulations for Marine Events:

Patuxent River, Patuxent River, MD, 12287–12289

NOTICES

Head and Gut Fleet:

Guidance for Implementation of the Alternate Compliance and Safety Agreement Program, 12373–12374

Meetings:

National Offshore Safety Advisory Committee, 12374

Commerce Department

See Industry and Security Bureau

See International Trade Administration

See National Oceanic and Atmospheric Administration

Commodity Futures Trading Commission

PROPOSED RULES

Concept Release on Whether to Eliminate the Bona Fide Hedge Exemption for Certain Swap Dealers, etc., 12282–12286

NOTICES

Certain Over-The-Counter Agricultural Swaps, etc., 12316–12320

Defense Department

NOTICES

Privacy Act; Systems of Records, 12320–12321

Education Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 12321–12325

Applications for New Awards for Fiscal Year (FY) 2009: Business and International Education Program, 12325–12329

International Research and Studies Program, 12329–12333

Applications for New Awards Using Fiscal Year (FY) 2008:

Native Hawaiian Career and Technical Education Program (NHCTEP), 12333–12341

Final Requirements, Definitions, and Selection Criteria:

Native Hawaiian Career and Technical Education Program (NHCTEP), 12341–12345

Privacy Act; System of Records, 12345–12347

Employment and Training Administration

NOTICES

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance, etc., 12380–12382

Terminations of Investigations:

American Pride, LLC, Guilford, ME, 12382

BHP Billiton, BHP Copper, Inc., Miami, AZ, 12382

Bledsoe Construction, Inc., Boise, ID, 12382

Century Aluminum of West Virginia, Inc.; Ravenswood, VA, 12382

Cenveo Cadmus Communications; Ephrata, PA, 12382–12383

Circuit Check Inc., Maple Grove, MN, 12383

CMH Manufacturing, Inc., Clayton–Ardmore Division, Ardmore, TN, 12383

Fortis Plastics, LLC, Fort Smith, AR, 12383

Hewlett Packard Co., Business Critical Systems et al., 12383

IM Flash Technologies, Lehi, UT, 12383

Janesville Acoustics; Norwalk, OH, 12383–12384

Johnson Controls, Columbia, TN, 12384

Kennametal, Inc., Latrobe, PA, 12384

Maverick Tube LLC; DBA Tenaris Hickman; Blytheville, AR, 12384

Millinocket Fabrication and Machine Inc.; Millinocket, ME, 12384

Piht, LLC; St. Marys, PA, 12384

Prime Tanning Company, Hartland, ME, 12384

Sapa HE Tubing, Louisville, KY, 12384–12385

Senco Products, Inc., Cincinnati, OH, 12385

Sun–Times News Group, Advertising Division, Merrillville, IN, 12385

Tech Group, Van Buren, AK, 12385

Three Rivers Timber, Inc., Kamiah, ID, 12385

TMD Friction, Inc., Dublin, VA, 12385

Triumph Apparel Corp., York, PA, 12385

Virage Logic Corporation, Hampton, NJ, 12386

Wheatland Tube Co., Sharon, PA, 12386

Energy Department

See Federal Energy Regulatory Commission

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 12347–12348

Environmental Protection Agency

RULES

National Oil and Hazardous Substance Pollution Contingency Plans:

National Priorities List, 12267–12272

PROPOSED RULES

National Oil and Hazardous Substance Pollution Contingency Plan:

National Priorities List, 12296–12297

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 12356–12359

Executive Office of the President

See Trade Representative, Office of United States

Federal Aviation Administration**RULES**

Airworthiness Directives:

- 328 Support Services GmbH Dornier Model 328–100 Airplanes, 12249–12252
- Airbus Model A310 Series Airplanes and Model A300 600 Series Airplanes, 12228–12233
- Airbus Model A318, A319, A320, and A321 Airplanes, 12247–12249
- Boeing Model 727–100 and 727–200 Series Airplanes, 12241–12243
- Boeing Model 757–200, 757–200PF, and 757–300 Series Airplanes, 12236–12238
- Boeing Model 767 Airplanes, 12252–12256
- Boeing Model 767–200 and 767–300 Series Airplanes, 12243–12245
- Bombardier Model CL 600 1A11 (CL 600) Airplanes et al., 12225–12228
- Bombardier Model DHC–8–102 Airplanes et al., 12245–12247
- Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 190 Airplanes, 12233–12236
- Fokker Model F.27 Mark 050 Airplanes, 12238–12241

NOTICES

Meetings:

- RTCA Special Committee 147 Sixty Ninth Plenary; Minimum Operational Performance Standards for Traffic Alert, etc., 12436
- RTCA Special Committee 203/Minimum Performance Standards for Unmanned Aircraft Systems, etc., 12435
- RTCA Special Committee 217, 12435–12436

Federal Communications Commission**RULES**

- Reexamination of the Comparative Standards for Noncommercial Educational Applicants, 12274–12279

NOTICES

- Agency Information Collection Activities; Proposals, Submissions, and Approvals, 12359–12361

Federal Energy Regulatory Commission**RULES**

- Modification of Interchange and Transmission Loading Relief Reliability Standards, etc., 12256–12265

NOTICES

Applications:

- FFP Project 3, LLC et al., 12354–12355

Applications:

- Free Flow Power Corp., et al., 12355–12356

Combined filings, 12348–12350

Combined Notice of Filings, 12350–12351

Environmental Assessments, etc.:

- South Carolina Electric & Gas Co., 12351–12352

Filings:

- FirstEnergy Solutions Corp., 12352–12353
- Lafarge Midwest, Inc., 12356

Meetings:

- California Independent System Operator Corp., 12353

Motions to Vacate:

- Algonquin Gas Transmission, LLC, 12353–12354

Federal Highway Administration**RULES**

- Environmental Impact and Related Procedures, 12518–12530

Federal Motor Carrier Safety Administration**NOTICES**

- Agency Information Collection Activities; Proposals, Submissions, and Approvals, 12436–12437
- Fiscal Year 2010 Safety Grants and Solicitation for Applications, 12437–12441
- Qualification of Drivers: Exemption Renewals; Vision, 12441–12442

Federal Railroad Administration**NOTICES**

- Agency Information Collection Activities; Proposals, Submissions, and Approvals, 12443–12444
- Petitions for Waiver of Compliance, 12444–12445

Federal Reserve System**PROPOSED RULES**

- Regulation Z; Docket No. R–1353: Truth in Lending, 12464–12515

NOTICES

Change in Bank Control Notices:

- Acquisition of Shares of Bank or Bank Holding Companies, 12361–12362

- Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 12362

Federal Transit Administration**RULES**

- Environmental Impact and Related Procedures, 12518–12530

NOTICES

Availability of Fiscal Year 2009 Funding for Transit

- Investments for Greenhouse Gas and Energy Reduction Grants, 12447–12455

Environmental Impact Statements; Intent:

- Proposed Transit Improvements in the Regional Connector Transit Corridor, Los Angeles, CA, 12445–12447

Fish and Wildlife Service**PROPOSED RULES**

Endangered and Threatened Wildlife and Plants:

- Determination of Significant Portion of the Range of Marine and Estuarine Areas, etc., 12297–12300

Food and Drug Administration**NOTICES**

- Agency Information Collection Activities; Proposals, Submissions, and Approvals, 12364–12368

Forest Service**NOTICES**

- Agency Information Collection Activities; Proposals, Submissions, and Approvals, 12303–12304

Environmental Impact Statements; Availability, etc.:

- Okanogan–Wenatchee National Forest, Washington; Motorized Travel, 12304–12306

- Record of Decision (ROD) for the Designation of Energy Corridors on Federal Land, etc., 12306–12307

General Services Administration**RULES**

Federal Management Regulations:

- Delegation of Authority to Perform Ancillary Repair and Alteration Work in Federally Owned Buildings, etc., 12272–12274

Health and Human Services Department

See Children and Families Administration

See Food and Drug Administration

See National Institutes of Health

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 12362–12363

Decision to Evaluate a Petition to Designate a Class of Employees for the Baker Perkins Atomic Weapons Employer facility in Saginaw, MI, etc., 12363

Decision to Evaluate a Petition to Designate a Class of Employees:
Electro-Metallurgical Corp. Facility; Niagara Falls, NY, 12363

Homeland Security Department

See Coast Guard

NOTICES

Designation of Rutgers University as Data Sciences Lead Institution Center of Excellence for Command:

Control and Interoperability, 12370–12371

Designation of Purdue University as Visualization Sciences and Education Lead Institution Center of Excellence for Command, Control and Interoperability, 12372–12373

Industry and Security Bureau

NOTICES

Meetings:

Emerging Technology and Research Advisory Committee, 12308

Interior Department

See Fish and Wildlife Service

See Land Management Bureau

See National Park Service

See Surface Mining Reclamation and Enforcement Office

Internal Revenue Service

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 12456–12457

Meetings:

Area 1 Taxpayer Advocacy Panel, 12458

Area 2 Taxpayer Advocacy Panel, 12461

Area 3 Taxpayer Advocacy Panel, 12458

Area 4 Taxpayer Advocacy Panel, 12458–12459

Area 5 Taxpayer Advocacy Panel, 12459

Area 7 Taxpayer Advocacy Panel, 12459

Taxpayer Advocacy Panel Joint Committee, 12461

Taxpayer Advocacy Panel Multi-Lingual Initiatives Issue Committee, 12460

Taxpayer Advocacy Panel Notice Improvement Issue Committee, 12459

Taxpayer Advocacy Panel Small Business/Self Employed Issue Committee, 12460–12461

Taxpayer Advocacy Panel Tax Forms and Publications Issue Committee, 12461

Taxpayer Advocacy Panel Taxpayer Assistance Center Committee, 12460

Taxpayer Advocacy Panel Volunteer Income Tax Assistance Issue Committee, 12460

Nominations:

Information Reporting Program Advisory Committee (IRPAC), 12457–12458

International Trade Administration

NOTICES

Antidumping:

Certain Frozen Warmwater Shrimp from Thailand, 12308–12310

Wooden Bedroom Furniture from the People's Republic of China, 12308

First Request for Panel Review:

North American Free-Trade Agreement, Article 1904, 12310

Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part, 12310–12313

Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese, etc., 12313

International Trade Commission

NOTICES

Investigation:

Certain Digital Cameras, 12377–12378

Joint Board for Enrollment of Actuaries

NOTICES

Meetings:

Advisory Committee, 12303

Justice Department

NOTICES

Lodging of Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 12378–12379

Proposed Settlement Agreements Under the Comprehensive Environmental Response, Compensation and Liability Act, 12379–12380

Labor Department

See Employment and Training Administration

See Labor Statistics Bureau

Labor Statistics Bureau

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 12386–12387

Land Management Bureau

NOTICES

Alaska Native Claims Selection, 12374–12375

National Aeronautics and Space Administration

NOTICES

Environmental Impact Statements; Intent:, etc.:

National Environmental Policy Act; Wallops Flight Facility Shoreline Restoration and Infrastructure Protection Program, 12387–12389

National Highway Traffic Safety Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 12455–12456

National Institutes of Health

NOTICES

Meetings:

National Heart, Lung, and Blood Institute, 12369

National Institute of Allergy and Infectious Diseases, 12368–12370

National Institute of General Medical Sciences, 12369

Office of the Director, National Institutes of Health, 12370

National Oceanic and Atmospheric Administration**PROPOSED RULES**

Fisheries of the Exclusive Economic Zone Off Alaska:
Central Gulf of Alaska Rockfish Program; Amendment 85,
12300–12302

NOTICES

Environmental Impact Statements; Intent:
Mid-Atlantic Fishery Management Council; Atlantic
Mackerel, et al.; Scoping Process, 12314–12316
Magnuson–Stevens Act Provisions:
General Provisions for Domestic Fisheries; Application
for Exempted Fishing Permits, 12313–12314

National Park Service**NOTICES**

Environmental Impact Statements; Availability, etc.:
Golden Gate National Recreation Area, Marin County,
CA, 12375–12376
Environmental Impact Statements; Availability, etc.:
Finding of No Significant Impact, Fort Dupont Park,
Washington, DC, 12377

National Science Foundation**NOTICES**

Meetings:
Advisory Committee for Mathematical and Physical
Sciences, 12390

Nuclear Regulatory Commission**NOTICES**

Applications:
Biweekly Notice, 12390–12399
FPL Energy Duane Arnold, LLC, 12399–12401
Tennessee Valley Authority Browns Ferry Nuclear Plant
Unit 2, 12402
Issuance of Regulatory Guide 1.125, Revision 2;
Availability, 12401
Meetings; Sunshine Act, 12401–12402

Office of United States Trade Representative

See Trade Representative, Office of United States

Personnel Management Office**PROPOSED RULES**

Prevailing Rate Systems:
Redefinition of the New Haven–Hartford and New
London, CT, Appropriated Fund Federal Wage
System Wage Areas, 12280–12282

Postal Regulatory Commission**PROPOSED RULES**

Postal Rates, 12295–12296

NOTICES

New Competitive Postal Product, 12406–12407

Securities and Exchange Commission**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 12407
Applications:
ING Investments, LLC, et al., 12407–12408
Self-Regulatory Organizations; Proposed Rule Changes:
Chicago Board Options Exchange, 12416–12417
Financial Industry Regulatory Authority, Inc.; Correction,
12417
International Securities Exchange, LLC, et al., 12414–
12416
NASDAQ OMX BX, Inc., 12408–12410

NASDAQ OMX PHLX, Inc., 12412–12414
NASDAQ Stock Market LLC, 12410–12412, 12423–12426
National Stock Exchange, Inc., 12426–12431
New York Stock Exchange LLC, 12417–12420, 12431–
12433
NYSE Alternext US LLC, 12420–12423

Small Business Administration**NOTICES**

Disaster Declarations:
Oregon, 12433
Exemption Under Section 312 of the Small Business
Investment Act, Conflicts of Interest:
Solutions Capital I, L.P., 12433

State Department**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 12433–12434
Meetings:
Defense Trade Advisory Group, 12434–12435
Review of Designations of United Self-Defense Forces of
Colombia and Liberation Tigers of Tamil Eelam as a
Foreign Terrorist Organization, 12434

Surface Mining Reclamation and Enforcement Office**RULES**

Pennsylvania Regulatory Program; Required Amendment,
12265–12267

Trade Representative, Office of United States**NOTICES**

Delay in Modification of Action Taken:
WTO Dispute Settlement Proceedings on the European
Communities' Ban on Imports of U.S. Beef and Beef
Products; Correction, 12402–12406

Transportation Department

See Federal Aviation Administration
See Federal Highway Administration
See Federal Motor Carrier Safety Administration
See Federal Railroad Administration
See Federal Transit Administration
See National Highway Traffic Safety Administration

Treasury Department

See Internal Revenue Service

Separate Parts In This Issue**Part II**

Federal Reserve System, 12464–12515

Part III

Transportation Department, Federal Highway
Administration, 12518–12530
Transportation Department, Federal Transit Administration,
12518–12530

Reader Aids

Consult the Reader Aids section at the end of this page for
phone numbers, online resources, finding aids, reminders,
and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents
LISTSERV electronic mailing list, go to [http://](http://listserv.access.gpo.gov)
listserv.access.gpo.gov and select Online mailing list
archives, FEDREGTOC-L, Join or leave the list (or change
settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR**Proposed Rules:**

532.....12280

12 CFR**Proposed Rules:**

226.....12464

14 CFR

39 (11 documents)12225,
12228, 12233, 12236, 12238,
12241, 12243, 12245, 12247,
12249, 12252

17 CFR**Proposed Rules:**

150.....12282

18 CFR

40.....12256

23 CFR

771.....12518

30 CFR

938.....12265

33 CFR**Proposed Rules:**

100.....12287
165 (2 documents)12289,
12292

39 CFR**Proposed Rules:**

3020.....12295

40 CFR

300.....12267

Proposed Rules:

300.....12296

41 CFR

102-72.....12272

47 CFR

73.....12274

49 CFR

622.....12518

50 CFR**Proposed Rules:**

17.....12297
679.....12300